

Planning Board Minutes September 25, 2007

BOSTON PLANNING BOARD SEPTEMBER 25, 2007

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

David Bernas

Robert Chelus

Jonathan King

Bill McGirr

EXCUSED: Tim Kirst

Jeff Mendola

Santo Tricarico

ALSO Brian Downey Town Attorney

PRESENT: Brien Hopkins Councilman ? Town Board Liaison

Theresa Betz 7346 Boston State Road ? Kids Country Child Care

Chairman Hacker called the meeting to order at 7:30 PM. and appointed Jonathan King to assume regular member duties for this evening?s meeting.

MINUTES

Mr. Stringfellow made a motion to accept the minutes of September 11, 2007, seconded by Mr. Chelus and carried.

CORRESPONDENCE

No correspondence was received, other correspondence to be read at point in agenda.

KIDS COUNTRY CHILD CARE ? 7346 BOSTON STATE ROAD

Mrs. Hacker reported the correspondence:

- Planning Board letter dated September 13, 2007 requesting Ms Betz to be in attendance at this evening?s meeting.

Chairman Hacker: We met earlier this evening to review the paperwork from this project, and found that we are not all in agreement and do have questions. The March 28 (2007) letter asked for the relocation of the playground and the measurements, drawn to scale which was done; relocation of the retention pond and that?s not shown clearly enough on the as-built, we have questions with the retention pond. We decided that we would ask our Town Engineers for the calculations on the retention pond, and give us their opinion. Playground enclosure dimensions and description has been addressed satisfactorily. ?N?orth arrow has been added to the as-built site plan. The only issue is the incomplete landscape issue.

Discussion followed regarding the landscape.

Ms. Betz agreed to plant two six-foot tall, 3-inch diameter trees.

Discussion followed regarding placement of the trees. It was suggested that one tree be planted in line with the trees on the neighboring property, and one centered in front on the grassy area.

Mrs. Hacker tabled further discussion until the two trees are planted and the Town Engineer has forwarded acceptance of the storm water detention basin. When the trees are planted and approval is received from the engineer, the as-built will be accepted as the final site plan. Our October meetings are the 9th and the 23rd.

LIAISON ? COUNCILMAN HOPKINS

Councilman Hopkins reported:

- Boston Valley Complex decision is still tabled. Town Board is awaiting report from the Town Engineers. Mr. Darling has to file a new SEQR.

Mr. Downey: He filed a long form EAF, and the long form included all three phases. The problem is that when it is done that way, asking for approval on one phase, it becomes segmentation. It may be coming back. Ms. George from Foit-Albert has sent her report in. The Town Board will have to meet to decide what to do. When he applied he applied for all three phases and got approval based on all three phases being done, and one might change the outcome of the other.

Mr. Bernas: Wouldn't Phase 1, Phase 2, Phase 3 indicate that?

Mr. Downey: You're looking at it outside; if you did not have to deal with SEQR regulations, yes, but the problem is that SEQR generally wants the project done/looked at as a whole, and there are some exceptions but they are rare. In doing research and talking to the DEC, he even applied for it as one implying that he was going to do everything at one time.

Mrs. Hacker: So that the drainage issues involved from 1 wouldn't affect 3 because it would all be completed at one time.

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Mr. Bernas: Could he do all the infrastructure development and build the buildings later?

Mr. Downey: No, I don't believe so. If he was going to wait ten years, yes.

Mr. McGirr: Does he have to reapply?

Mr. Downey: I think he's going to have to do the site plan for all three, but the Board has to make a decision on it.

Mr. Bernas: Can the Board make the decision that he doesn't have to do a site plan for all three?

Mr. Downey: They could, the problem is that you get what's called segmentation, and the DEC does not like segmentation.

Mr. Bernas: Who's got the authority, the DEC or the Town Board?

Mr. Downey: Town Board has authority, but DEC sets the regulations by which we work with, the parameters.

Mr. Hopkins: That is the information we have been waiting for.

Mr. Downey: Yes, and I've done some research and I've talked to the DEC so the Board has to make a decision on it; but the problem is the way he set this project up, it's really set up to do all three and to do them all at once, even though he's come to you and asked you and even went to the DEC, he's asked for it not as a Phase here, and then I'm going to do this later, he's asked for it saying I'm going to

do all three. Also, the DEC, and he's got his own engineer that's probably telling him the same thing. See what happened, he went to the DEC before he came here, which is fine. So he worked through a lot of issues, because he had a runoff, the streams, he had a lot of things to deal with and he had to get a permit from them to do those things and he got a permit, but the permit is for Phase 1, 2 and 3. So what they look at is the project as a whole, so drainage that maybe is done in 3 may fix something that is a problem in 1, they let him do it in sequence but it's altogether being done and looked as one issue, not the three phases for each individual issue. So not to jump ahead the Board will have to make a decision based on what the DEC has done. That should come up at the next Town Board meeting.

Mr. Bernas: So if he has to do it in 3's does that mean that he has to do site plan reviews three times?

Mr. Hopkins: We'll probably discuss that at the agenda review meeting on Monday.

Mr. Downey: I don't want to speak to that in general, because they have not made a decision. But when you have a project that is in multiple phases, and those phases are going to be done in relatively short timeframe then the project from a SEQR standpoint is looked at as a whole. You can look at it say Phase 1 you're doing this, phase 2 this and phase 3 this, because that's the way he's doing it. But the problem is that when the approvals come through to the Board, when a board gives an approval in a SEQR process it's called a Negative Declaration, in order to do that there is a number of steps they have to follow. In those steps they have to look at the project as a whole.

Mr. Bernas: Is this same kind of thing going to happen with the Darling subdivision since he was going to do that in two phases?

Mr. Downey: He went way beyond. What you have here is a long form EAF, what they did is an environmental impact statement so he did EIS which is a massive amount of work so he's had to look it as a whole and do much more detail on that.

Mr. Bernas: What can the Town do as far as the impact on traffic this is going to create, because with that development?

Mr. Downey: That is part of what they look at. They decide what is the impact, is this going to be significant and if they feel it is they can require an impact statement, meaning the Town Board; because the Town Board is the one that is reviewing this and is the one who is going to be declared the lead agency in this process.

Chairman Hacker: Is there anything else for this Board? Being no further business can I have a motion to adjourn?

Mr. McGirr made the motion to adjourn at 7:53 PM, seconded by Mr. Bernas and carried.

Respectfully submitted,

Patricia Hacker

Chairman